

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

CASI NICOLE GROSECLOSE
4014 ½ Illinois Street
San Diego, CA 92104

Case No. 2012-219

Registered Nurse License No. 661512

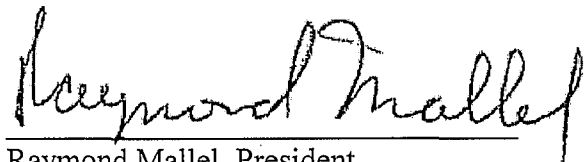
Respondent

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary order for Public Reproval is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **February 1, 2013.**

IT IS SO ORDERED **January 3, 2013.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
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Attorneys for Complainant
8

9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

12 **CASI NICOLE GROSECLOSE**
13 **4014 1/2 Illinois St.**
14 **San Diego, CA 92104**
15 **Registered Nurse License No. 661512**

16 Respondent.

Case No. 2012-219

OAH Case No. 2012030089

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL**

[Bus. & Prof. Code § 495]

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:
20

21 PARTIES

22 1. LOUISE R. BAILEY, M.ED., RN (Complainant) is the Executive Officer of the
23 Board of Registered Nursing. She brought this action solely in her official capacity and is
24 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
25 Geoffrey S. Allen, Deputy Attorney General.

26 2. Respondent Casi Nicole Groseclose (Respondent) is represented in this proceeding by
27 attorney Domenic Lombardo, whose address is: Law Offices, 1010 Second Ave., Ste. 1820,
28 San Diego, CA 92101.

3. On or about July 22, 2005, the Board of Registered Nursing issued Registered Nurse License No. 661512 (License) to Respondent. The License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-219 and will expire on December 31, 2012, unless renewed.

JURISDICTION

4. Accusation No. 2012-219 (Accusation) was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 10, 2011. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of the Accusation is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in the Accusation. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reprimand.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in the Accusation.

///

1 9. Respondent agrees that her Registered Nurse License is subject to discipline and she
2 agrees to be bound by the Board's terms as set forth in the Disciplinary Order below.

3 CONTINGENCY

4 10. This stipulation shall be subject to approval by the Board. Respondent understands
5 and agrees that counsel for Complainant and the staff of the Board may communicate directly
6 with the Board regarding this stipulation and settlement, without notice to or participation by
7 Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that
8 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board
9 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
10 the Stipulated Settlement and Disciplinary Order for Public Reapproval shall be of no force or
11 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
12 and the Board shall not be disqualified from further action by having considered this matter.

13 11. The parties understand and agree that facsimile copies of this Stipulated Settlement
14 and Disciplinary Order for Public Reapproval, including facsimile signatures thereto, shall have the
15 same force and effect as the originals.

16 12. This Stipulated Settlement and Disciplinary Order for Public Reapproval is intended by
17 the parties to be an integrated writing representing the complete, final, and exclusive embodiment
18 of their agreement. It supersedes any and all prior or contemporaneous agreements,
19 understandings, discussions, negotiations, and commitments (written or oral). This Stipulated
20 Settlement and Disciplinary Order for Public Reapproval may not be altered, amended, modified,
21 supplemented, or otherwise changed except by a writing executed by an authorized representative
22 of each of the parties.

23 13. In consideration of the foregoing admissions and stipulations, the parties agree that
24 the Board may, without further notice or formal proceeding, issue and enter the following
25 Disciplinary Order:

26 ///

27 ///

28 ///

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 661512 issued to Respondent shall, by way of letter from the Board's Executive Officer, be publicly reprovod. The letter shall be in the same form as the letter attached as Exhibit B to this stipulation.

IT IS FURTHER ORDERED that Respondent shall pay \$945.00 to the Board for its costs associated with the investigation and enforcement of this matter. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. If Respondent fails to pay the Board costs as ordered, Respondent shall not be allowed to renew her Registered Nurse License until Respondent pays costs in full.

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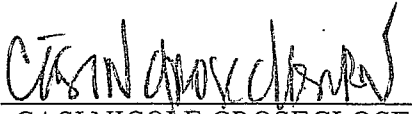
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1 ACCEPTANCE


2 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
3 Reapproval and have fully discussed it with my attorney, Domenic Lombardo. I understand the
4 stipulation and the effect it will have on my License. I enter into this Stipulated Settlement and
5 Disciplinary Order for Public Reapproval voluntarily, knowingly, and intelligently, and agree to be
6 bound by the Decision and Order of the Board.

7
8 DATED: 8/10/12


9 CASI NICOLE GROSECLOSE
Respondent

10 I have read and fully discussed with Respondent Casi Nicole Groseclose the terms and
11 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order
12 for Public Reapproval. I approve its form and content.

13 DATED: 8/13/12


14 DOMENIC LOMBARDO
Attorney for Respondent


15
16 ENDORSEMENT

17 The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval is hereby
18 respectfully submitted for consideration by the Board of Registered Nursing of the Department of
19 Consumer Affairs.

20 Dated: 9/14/12

Respectfully submitted,

22 KAMALA D. HARRIS
Attorney General of California
23 ARTHUR D. TAGGART
Supervising Deputy Attorney General

24 
25 GEOFFREY S. ALLEN
26 Deputy Attorney General
Attorneys for Complainant

27 SA2011100894
28 10929696.doc

Exhibit A

Accusation No. 2012-219

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 GEOFFREY S. ALLEN
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Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2012-219

12 **CASI NICOLE GROSECLOSE**
13 **7018 N. Cr 700 East**
Twelve Mile, IN 46988
14 **Registered Nurse License No. 661512**

A C C U S A T I O N

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
20 Department of Consumer Affairs.

21 2. On or about July 22, 2005, the Board issued Registered Nurse License Number
22 661512 to Casi Nicole Groseclose ("Respondent"). Respondent's registered nurse license was in
23 full force and effect at all times relevant to the charges brought herein and will expire on
24 December 31, 2012, unless renewed.

25 **STATUTORY PROVISIONS**

26 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
27 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
28 ///

1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct . . .

11

12 (f) Conviction of a felony or of any offense substantially related to the
13 qualifications, functions, and duties of a registered nurse, in which event the record of
14 the conviction shall be conclusive evidence thereof . . .

15 6. Code section 2762 states, in pertinent part:

16 In addition to other acts constituting unprofessional conduct within the
17 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
18 person licensed under this chapter to do any of the following:

19

20 (b) Use any controlled substance as defined in Division 10 (commencing
21 with Section 11000) of the Health and Safety Code, or any dangerous drug or
22 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or
23 in a manner dangerous or injurious to himself or herself, any other person, or the
24 public or to the extent that such use impairs his or her ability to conduct with safety to
25 the public the practice authorized by his or her license.

26 (c) Be convicted of a criminal offense involving the prescription,
27 consumption, or self administration of any of the substances described in subdivisions
28 (a) and (b) of this section, or the possession of, or falsification of a record pertaining
to, the substances described in subdivision (a) of this section, in which event the
record of the conviction is conclusive evidence thereof . . .

7. Code section 2765 states:

A plea or verdict of guilty or a conviction following a plea of nolo
contendere made to a charge substantially related to the qualifications, functions and
duties of a registered nurse is deemed to be a conviction within the meaning of this
article. The board may order the license or certificate suspended or revoked, or may
decline to issue a license or certificate, when the time for appeal has elapsed, or the

1 judgment of conviction has been affirmed on appeal or when an order granting
2 probation is made suspending the imposition of sentence, irrespective of a subsequent
3 order under the provisions of Section 1203.4 of the Penal Code allowing such person
4 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside
5 the verdict of guilty, or dismissing the accusation, information or indictment.

6 COST RECOVERY

7 8. Code section 125.3 provides, in pertinent part, that the Board may request the
8 administrative law judge to direct a licentiate found to have committed a violation or violations of
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case.

11 FIRST CAUSE FOR DISCIPLINE

12 (Criminal Conviction)

13 9. Respondent is subject to disciplinary action pursuant to Code section 2761,
14 subdivision (f), in that on or about December 23, 2008, in the criminal proceeding titled *State of*
15 *Indiana v. Casi Groseclose* (Cass Super. Ct. 2, 2008, Case No. 09D02-0811-CM-1029),
16 Respondent pled guilty to violating I.C. 9-30-5-2(a) and I.C. 9-30-5-2(b) (operating a vehicle
17 while intoxicated, endangering a person, a class A misdemeanor), a crime substantially related to
18 the qualifications, functions, and duties of a registered nurse. The circumstances of the crime are
19 as follows: On or about November 23, 2008, an officer with the Logansport Police Department
20 received information from a passerby that a female, who appeared to be very intoxicated, had
21 entered a Chevrolet Blazer type vehicle behind the Old Style Tavern. Later, the officer located
22 the vehicle and pulled behind it in his patrol car. The officer followed the vehicle as it traveled
23 southbound on 6th Street. The vehicle crossed East Market Street and entered the 400 block of
24 6th street, a two lane two way roadway. As the vehicle traveled down the hill, it was completely
25 on the wrong side of the roadway, coming within a foot of the sidewalk on the left side of the
26 roadway. The vehicle traveled the entire length of the block, then turned left onto Erie Avenue.
27 The vehicle started to accelerate quickly, swerved to the left, and crossed over the center line
28 before swerving back into its proper lane. The officer also observed that the speed of the vehicle
was above 45 miles per hour in a 30 mile per hour zone. The officer signaled for the vehicle to
stop. The vehicle pulled to the right side of the roadway, then struck and went on top of the curb.

1 The officer made contact with Respondent, who had been driving the vehicle. After Respondent
2 exited the vehicle, the officer observed that she had trouble with her balance and swayed back and
3 forth on her feet. Respondent's eyes were bloodshot, her speech was slurred, and she had a strong
4 odor of an alcoholic beverage coming from her breath. The officer informed Respondent that she
5 was being detained for investigation of operating a vehicle while intoxicated, placed her in
6 handcuffs, and transported her to the Cass County jail. Later, Respondent consented to a breath
7 test. The test results showed that Respondent had a blood alcohol level of .24%.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Use of Alcoholic Beverages to an Extent or in a Manner**

10 **Dangerous or Injurious to Oneself and the Public)**

11 10. Respondent is subject to disciplinary action pursuant to Code section 2761,
12 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
13 subdivision (b), in that on or about November 23, 2008, Respondent used alcoholic beverages to
14 an extent or in a manner dangerous or injurious to herself and the public, as set forth in paragraph
15 9 above.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Conviction Related to the Consumption of Alcoholic Beverages)**

18 11. Respondent is subject to disciplinary action pursuant to Code section 2761,
19 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
20 subdivision (c), in that on or about December 23, 2008, Respondent was convicted of a criminal
21 offense involving the consumption of alcoholic beverages, as set forth in paragraph 9 above.

22 **PRAYER**

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
24 and that following the hearing, the Board of Registered Nursing issue a decision:

25 1. Revoking or suspending Registered Nurse License Number 661512, issued to Casi
26 Nicole Groseclose;

27 ///

28 ///

1 2. Ordering Casi Nicole Groseclose to pay the Board of Registered Nursing the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.
5

6 DATED: October 10, 2011

for Stacie Bern
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

27
28 SA2011100894

Exhibit B

Letter of Public Reproval in Case No. 2012-219

Board of Registered Nursing
P O Box 944210, Sacramento, CA 94244-2100
P (916) 322-3350 | www.rn.ca.gov
Louise R. Bailey, M.ED., RN, Executive Officer



January 3, 2013

Casi Nicole Groseclose
4014 ½ Illinois Street
San Diego, CA 92104

RE: LETTER OF PUBLIC REPROVAL
In the Matter of the Accusation Against:
Casi Nicole Groseclose, Registered Nurse License No. 661512

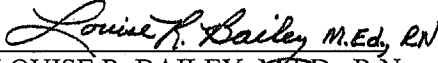
Dear Ms. Groseclose:

On October 10, 2011, the Board of Registered Nursing, Department of Consumer Affairs, State of California, filed an Accusation against your Registered Nurse License. The Accusation alleged that you engaged in unprofessional conduct under Business and Professions Code sections 2761, subdivision (f) [criminal conviction]; 2672, subdivision (b) [dangerous use of alcohol]; and, 2762, subdivision (c) [conviction related to alcohol consumption]. More specifically, on or about December 23, 2008, in the criminal proceeding titled *State of Illinois v. Casi Groseclose* you were convicted of violating I.C. 9-30-5-2(a) and I.C. 9-30-5-2(b) (operating a vehicle while intoxicated, endangering a person).

Taking into consideration the conduct appears to have been an isolated incident, you have complied with your criminal probation, and you submitted substantial mitigation including positive work evaluations, a favorable psychological evaluation and several letters of recommendation, and that there are other mitigating circumstances in this case that support the determination that you are safe to practice registered nursing, the Board had decided that the charges warrant a public reproval.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Registered Nursing, Department of Consumer Affairs issues this letter of public reproval.

Sincerely,


LOUISE R. BAILEY, M.ED., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California